

TOWN OF MERRILLVILLE
TOWN COUNCIL MEETING
APRIL 24, 2007

CALL TO ORDER

INVOCATION: Pastor Robert Stroup- Pentecostal of Southlake

PLEDGE OF ALLEGIANCE

ROLLCALL: Mr. Uzelac was absent, all other members were present

PETITIONS, COMMUNICATIONS, REMONSTRATIONS: None

CONSENT AGENDA:

Antich: Accts. Payable, which has been provided for you and the approval of the April 10, 2007 Town Council meeting.

Hardaway: So moved.

Taylor: Second.

Pettit: Motion by Mr. Hardaway and second by Mr. Shudick to approve the consent agenda as presented. Is there any discussion? Seeing none, all those in favor signify by saying aye.

Unanimous: Aye.

Pettit: Opposed? Motion carries.

STANDING COMMITTEES:

BUDGET & FINANCE:

Hardaway: I guess I've got one request for Mr. Brown. We need to have a discussion sometime this week...were you in the audio visual?

Taylor: I'm just trying to help Craig out.

Hardaway: Sometime this week we need to meet...budget & finance, to discuss a couple of things. Do you have anything else?

Brown: Any new news?

Hardaway: Yeah, anything that is going to make us happy.

Brown: Mr. Bennett is ready to meet with you anytime that you're ready.

Hardaway: And you were going to tell us this when?

Brown: Pardon?

Hardaway: Okay.

Brown: He is going to tell you what?

Hardaway: I said, and you were going to tell us this when?

Brown: I already told you, remember? I told you a week ago that Jim was ready.

Hardaway: Yeah, you told me too long ago that's the problem. Thank you, we'll set that up. Shawn are you available? Tim, did you need Shawn for that?

Brown: That's fine.

Pettit: Let me know what time.

PUBLIC WORKS:

Huish: A couple things this evening. First this 2007 CDBG project list for sidewalks, we had some left over funds, not a large portion but Bruce worked up some sidewalk corners that need to be brought up to ADA standards and he's given us all a list. I make a motion that we approve this.

Hardaway: Second.

Pettit: Motion by Mr. Huish and second by Mr. Hardaway to approve the 2007 CDBG project list, the ADA sidewalk crossings at various locations in the Town. Any discussion? Seeing none all those in favor signify by saying aye.

Unanimous: Aye.

Pettit: Opposed? Motion carries.

Huish: Secondly we have the bid cost sheets for the 2007 slurry seal crack seal list that was prepared and I'm going to make a motion that we award this bid to Pavement Solutions Inc. from Middletown, Indiana.

Hardaway: Second.

Huish: That will be per the list that was prepared.

Pettit: Motion by Mr. Huish and second by Mr. Hardaway to approve the 2007 slurry seal crack seal list to Pavement Solutions. Any discussion? Seeing none all those in favor signify by saying aye.

Unanimous: Aye.

Pettit: Opposed? Motion carries.

Huish: The last issue is for the 2007 paving. Just one note, Ryan Construction was not included in the list here because their bid pack was incomplete and of the three bids Bucko Construction was the lowest bidder and I'm going to make a motion that we award the 2007 pavement resurfacing bids to Bucko Construction.

Shudick: Second.

Pettit: Motion by Mr. Huish and second by Mr. Hardaway to approve the 2007 resurfacing pavement bids to Bucko Construction. Any discussion? Seeing none all those in favor signify by saying aye.

Unanimous: Aye.

Pettit: Opposed? Motion carries.

Huish: That is all I have, otherwise if anybody hasn't finalized their list get it to Bruce so they can start.

COUNCIL AFFAIRS: No report.

PERSONNEL POLICY & EMPLOYEE BENEFITS: No report.

PUBLIC SAFETY:

Shudick: Just a couple of items. Last fall we had discussed putting some rumble strips on a trial basis in Mr. Hardaway's area and also my area. After talking to other communities that use those in residential areas, the people during the spring and summer say that it creates a lot of noise all night long and people really don't want them near their homes. I know as we all go door to door, we're hearing that they'd like to have some means of slowing people down that are cutting through neighborhoods. Another thing we were talking about was speed bumps but legally we just can't put in ...we can end up in court if people get hurt. So, we're going to look for another means of controlling speeders in the subdivisions but on that note, Chief Bravos will you please put extra patrols in all of the Councilmen's neighborhoods? It is one request that we're all getting when we go door to door and I'd like to see more police presence because the kids are out there playing and for obvious reasons as well.

Bravos: Absolutely.

Shudick: Just a quick note, the Volunteer Fire Department on 73rd Avenue is having their annual pancake breakfast on April 28th from 8:00-12:00. Please support our Volunteer Fire Department District One.

Hardaway: Is there anything else coming down the pipe that we may be able to use? The 55th Avenue four way stop might as well not be there. It's been like that for twenty plus years.

Shudick: It's real difficult and we've all seen it, if you spent anytime outside... I was painting a house one day and I was watching a stop sign...every time I was painting I would look over and three quarters of the people don't stop and probably one third of them are the ones that call and complain.

Hardaway: Exactly and you can tell the ones that don't stop because they never decelerate, they go at a constant speed. Chief, whatever you guys can do.

Bravos: We had an officer up on 55th Avenue, just to give you an idea, he wrote 7 tickets and one arrest just in one evening. Having somebody there on that street 24/7 is impossible.

Hardaway: I'm not looking for that.

Bravos: Yeah, but we will make a point to be more visible. I know there is certain areas of Town, 55th Avenue is one, 86th is another, Ellsworth and 63rd have issues with stop signs and once we get our traffic unit back to the normal numbers hopefully we'll be able to take care of that but I will address that with our current traffic guy.

Hardaway: I'd also like to commend you guys, the 4-way stop sign that you put on 53rd & Delaware has seen a remarkable improvement. I talked to the people out there yesterday and they were all very pleased with that 4-way stop. Some places it works and some it doesn't.

Antich: Mr. Chairman.

Pettit: Madam Clerk-Treasurer.

Antich: I would just like to ask Mr. Shudick, while you're looking into the speeding issues, we're having a drastic problem with loud boom boxes between 10:00 and 11:30 every night on 54th Avenue and all of the neighbors are very upset.

Hardaway: I haven't received one complaint.

Antich: I have.

Hardaway: This is amazing that somebody could call you and not call me.

Antich: Well, they're my neighbors.

Hardaway: I know but I'm their Councilman.

Antich: Well...they know I'm always available.

Hardaway: That's okay, I'm just amazed at that because I walked through that area and nobody every complained about that.

Antich: Well, they certainly do to me Mr. Hardaway.

Hardaway: Thank you Mrs. Antich-Carr.

Pettit: Anything else under public safety Mr. Shudick?

Shudick: Add that to your list to do Chief Bravos.

Bravos: Sure.

Shudick: Once again, summer time is here and these issues come up in all of the Wards.

Antich: Thank you Mr. Shudick.

PARKS & RECREATION:

Huish: I have nothing in particular but I would like to acknowledge our Park Director Terri Weems. She is a member of the Indiana Parks & Recreation Association and she has just completed the executive development program after two years of study. She has been a member since 2005 and she a member State Conference committee 2005, 2006 & 2007 and she has been the Education Session Chair for 2007 and again she'll be asked to do that for 2008. She's been on the leadership team since 2006 and she is a 2007 conference volunteer, monitoring education sessions for free conference registration and I just think she has accomplished a lot by going through this program over the last two years and getting all of this education to help us run our Parks and Mrs. Weems, I think you told me about being invited to become a board member also?

Weems: Yes, the IU Education Development Program asked me last week if I would join their Board of Trustees for 2008.

Huish: I think that is quite an accomplishment also because if you see the list of degrees some of those members have and our Parks Director has been asked to join them.

Hardaway: Congratulations.

Taylor: Good job Terri.

Weems: Thank you.

ENVIRONMENTAL AFFAIRS:

Taylor: The Lake County Solid Waste last Thursday that we talked about the plant that is looking at Northwest Indiana for the conversion of waste material to ethanol. Another source has come into play and their primary location at this point is Gary and I'll expand upon that later on and give you some details as far as exactly what they're doing to utilize what they can to produce ethanol in Northwest Indiana. We'll be the only place in the country to have that.

ELECTIONS & PUBLIC RELATIONS:

Widing: I'll turn it over to our Town Manger, Mr. Brown.

Brown: On behalf of Councilman Widing, we're here to announce that the Governor has declared the week of May 14-18 as Indiana Municipal Government Week and during this time Municipalities are being encouraged to conduct activities and programs that stress the importance of local municipal government. This year the Town of Merrillville is using the Plan Commission meeting of May 15, 2007 as our Merrillville Municipal Day activities and we'll be taping the meeting that evening for Comcast Broadcast similar to the taping of the Town Council meetings. Plan Commission members and staff are asked to invite a local student as a sit in replacement for that evening. The hope is that our youth can learn to grasp the importance of the Plan Commission Process in developing a healthy and vibrant community. Families of each of the students are also asked to come and participate in a before meeting meal and to remain for the meeting to follow.

ECONOMIC DEVELOPMENT:

Taylor: Just a meeting date, Mr. Fink.

Fink: If it is okay with you Mr. Chairman, I'd recommend May 22nd prior to the Council Meeting.

Taylor: Sounds like a good winner to me, Sir. What time?

Fink: 5:30 will be fine.

Taylor: 5:30 May 22nd, Sir.

UTILITY LIAISON: No report.

GENERAL ORDERS:

FIRST READING ORDINANCES:

Antich: Ordinance 07-10: An Ordinance of the Town of Merrillville, Indiana, providing that the Zoning Ordinance Town of Merrillville, Lake County, Indiana be amended by changing the established R-1, Single Family Residential Zoning Classification to C-2, Community Commercial Zoning Classification.

Taylor: So moved.

Hardaway: Second.

Pettit: Motion by Mr. Taylor and second by Mr. Hardaway to approve Ordinance 07-10. Any discussion? Seeing none, roll call vote.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes

Councilman Hardaway: Yes

Councilman Huish: Yes

Councilman Uzelac: Absent

Councilman Shudick: Yes

Councilman Pettit: Yes

Councilman Widing: Yes

Pettit: 6 ayes', motion carries.

Antich: Ordinance 07-11: An Ordinance of the Town of Merrillville, Indiana, providing that the Zoning Ordinance Town of Merrillville, Lake County, Indiana be amended by changing the established R-1, Single Family Residential Zoning Classification to a PUD Planned Unit Development, mixed use Residential Zoning Classification.

Taylor: So moved.

Hardaway: Second.

Pettit: Motion by Mr. Taylor and second by Mr. Hardaway to approve Ordinance 07-10. Any discussion? Seeing none, roll call vote.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes

Councilman Hardaway: Yes

Councilman Huish: Yes

Councilman Uzelac: Absent

Councilman Shudick: Yes

Councilman Pettit: Yes

Councilman Widing: Yes

Pettit: 6 ayes', motion carries. Point of clarification, Mr. Bower, on Ordinance 07-10, in our syllabus that Dorinda prepares for us there was a condition and I'd like to read that in the record and ask that the motion and second still stand. The condition is, a commitment letter for allowable uses permitted in a C-2 zoning district to be recorded at the Lake County Recorder's Office, Lake County, Indiana and a recorded copy to be submitted to the Planning & Building Department for filing. This commitment letter will mirror the permitted uses on the North East corner of West 73rd and Whitcomb Street. Mr. Taylor and Mr. Hardaway, do your motion and second stand?

Taylor: Yes.

Hardaway: Yes.

Pettit: Do we need a re-vote or can the vote stand?

Bower: No, we need a re-vote and we've also got the petitioner here.

Pettit: Alright, we have a motion and second on the floor. Madam Clerk-Treasurer roll call again on Ordinance 07-10.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes

Councilman Hardaway: Yes

Councilman Huish: Yes

Councilman Uzelac: Absent

Councilman Shudick: Yes

Councilman Pettit: Yes

Councilman Widing: Yes

Pettit: 6/0, I just wanted to clarify the conditions and have it in the record.

Antich: Ordinance 07-12: An Ordinance of the Town of Merrillville, Indiana, providing that the Zoning Ordinance Town of Merrillville, Lake County, Indiana be amended by changing the established R-4, three to four family residential zoning classification to R-5, Medium Density Multi-Family Residential Zoning Classification.

Huish: So moved.

Hardaway: Second.

Pettit: Motion by Mr. Huish and second by Mr. Hardaway to approve Ordinance 07-12. Any discussion? Seeing none, roll call vote.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes
Councilman Hardaway: Yes
Councilman Huish: Yes
Councilman Uzelac: Absent
Councilman Shudick: Yes
Councilman Pettit: Yes
Councilman Widing: Yes

Pettit: 6/0, motion carries.

SECOND READING ORDINANCES:

Antich: Ordinance 07-07: An Ordinance of the Town of Merrillville appropriating money for the purpose of defraying the expense of the Town Government of the Town of Merrillville, Lake County, Indiana for the year 2007 not included in the current budget.

Taylor: So moved.

Hardaway: Second.

Pettit: Motion by Mr. Taylor and second by Mr. Hardaway to approve Ordinance 07-07. Any discussion? Any public comment? Any public comment? Any public comment? Seeing none, roll call vote.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes
Councilman Hardaway: Yes
Councilman Huish: Abstain
Councilman Uzelac: Absent
Councilman Shudick: Yes
Councilman Pettit: Yes
Councilman Widing: Yes

Pettit: 5/0 and 1 abstention, motion carries.

Antich: Ordinance 07-08: An Ordinance of the Town of Merrillville amending Ordinance 81-30, regulating traffic.

Taylor: So moved.

Hardaway: Second.

Pettit: Motion by Mr. Taylor and second by Mr. Hardaway to approve Ordinance 07-08. Any public comment? Any public comment? Any public comment? Any discussion? Seeing none, roll call vote.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes
Councilman Hardaway: Yes
Councilman Huish: Yes
Councilman Uzelac: Absent
Councilman Shudick: Yes
Councilman Pettit: Yes
Councilman Widing: Yes

Pettit: 6 ayes', motion carries.

Antich: Ordinance 07-09: An Ordinance of the Town of Merrillville appropriating money for the purpose of defraying the expense of the Town Government of the Town of Merrillville, Lake County, Indiana for the year 2007 not included in the current budget.

Widing: So moved.

Shudick: Second.

Pettit: Motion by Mr. Widing and second by Mr. Shudick to approve Ordinance 07-09. Any public comment? Any public comment? Any public comment? Any discussion? Seeing none, roll call vote.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes

Councilman Hardaway: Yes
Councilman Huish: Yes
Councilman Uzelac: Absent
Councilman Shudick: Yes
Councilman Pettit: Yes
Councilman Widing: Yes

Pettit: 6 ayes', motion carries.

RESOLUTIONS: None.

BZA ACTIONS:

Petitioner: Robert Steven Szoke Jr. (Impact Christian Church)
Owner: Eugene Qualizza
Request: Special Exception in C-3 Zone
Purpose: Church
Location: 401 W. 82nd Place
Case No.: Z15E3-307

Widing: Motion to approve.

Hardaway: Second.

Pettit: Motion by Mr. Widing and second by Mr. Hardaway to approve bza actions Z15E3-307. For clarification there are two conditions one this report. The first one is for this petitioner at this location only for this use only and number two to adhere to the noise ordinance. Do you want to amend your motions?

Widing: My motion stands.

Hardaway: Motion amended.

Shudick: Mr. President, I'd like to add to that.

Pettit: Okay, Mr. Shudick.

Shudick: Also that the proper lighting and parking per Town code is installed.

Hardaway: My motion is still good.

Pettit: Okay, the petitioner is in the audience. Do you understand the conditions and adhere to them?

Mr. Szoke: Yes.

Pettit: Okay. Is there any further discussion? Does the petitioner want to say anything? Okay, Madam Clerk-Treasurer roll call vote.

Mrs. Antich conducted the following roll call vote:

Councilman Taylor: Yes
Councilman Hardaway: Yes
Councilman Huish: Yes
Councilman Uzelac: Absent
Councilman Shudick: Yes
Councilman Pettit: Yes
Councilman Widing: Yes

Pettit: 6/0, motion carries.

OLD BUSINESS: None.

NEW BUSINESS:

Hardaway: I've got one thing Mr. President and it should have probably come up underneath budget & finance but it didn't. I'd like to make sure that the bills are paid because we're not going to have a Council meeting on May 8th and I'd just like to make sure that the Clerk-Treasurer understands that all bills need to be paid on time and just because we don't have a meeting and we don't okay the consent agenda, we still need to continue business.

Pettit: Right, pay all of the vendors. Rich, I agree with you 100%. Whatever, cycle we're on for May 8th pay those bills.

Hardaway: Do you have any problem with that Madam Clerk?

Antich: No, I don't.

Hardaway: Will you be paying the bills?

Antich: I have all along, I expect to continue.

Hardaway: Thank you very much Ma'am, have a nice evening.

Antich: You too.

PUBLIC COMMENT:

Mr. Garity: My name is Bob Garity, I'm a current resident in Bon Aire and I'm here because of the increased amount of duplexes that are being entered into the Town of Merrillville along with other multi-unit locations. A couple of years ago I had a petition on this subject and it seems that we're continuing to go this route and a lot of people that I've talked to in the Town of Merrillville are concerned because I think the original establishment of the Town of Merrillville was intended to have primarily single dwelling homes and of course you have to have a diversity of multi-units, which the Town now has and now it has created problems for the school system. The one that kind of popped to mind last week at the Planning Commission was the latest one for 110 duplexes at Taney Place and 83rd. I think that we need to take the future into strong consideration and look at such developments as Mr. Reeder as developed on the Northwestern quadrant of Hendricks and 73rd, I understand those homes are going like hot cakes and other communities such as Lowell, Cedar Lake, Crown Point, St. John and Hobart are all having single dwelling developments and I think we should kind of pull the reigns on the other. If there is anything to we can do to have a moratorium or whatever, we need to do that because this Town...school systems are all full and it's just creating problems as far as trying to keep up with infrastructure as well.

ANNOUNCEMENTS:

May 8, 2007 Town Council meeting has been cancelled due to Election Day and will meet again on May 22nd.

Plan Commission workshop May 1st at 6:30 p.m. and a meeting on May 15th.

Storm Water meeting on May 1st at 5:30 p.m.

ADJOURNMENT

Shawn Pettit, Town Council President

Rose Ann Antich, Clerk-Treasurer